

NOT FOR PUBLICATION

NO. 25642

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

MAUNA KEA AGRIBUSINESS CO., INC., Plaintiff-Appellee, v.
NALUAHI, et al., Defendant-Appellee,
and
JOSEPHINE H. RABAGO, Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CIVIL NO. 02-1-228)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Acting C.J., Lim and Foley, JJ.)

Defendant-Appellant Josephine H. Rabago (Rabago) appeals the Final Judgment filed on January 30, 2003 in the Circuit Court of the Third Circuit (circuit court).¹

On appeal, Rabago contends the circuit court erred by granting Plaintiff-Appellee Mauna Kea Agribusiness Co., Inc.'s (Mauna Kea) Summary Judgment Motion and by denying her Motion to Dismiss Plaintiff's Summary Judgment.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we hold that the circuit court did not err by granting Mauna Kea's Summary Judgment Motion and denying Rabago's Motion to Dismiss Plaintiff's Summary Judgment because Rabago did not present

¹ The Honorable Greg K. Nakamura presided.

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evidence that created a genuine issue of material fact. Fujimoto v. Au, 95 Hawai'i 116, 136-37, 19 P.3d 699, 719-20 (2001).

Therefore,

IT IS HEREBY ORDERED that the Final Judgment filed on January 30, 2003 in the Circuit Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, May 26, 2004.

On the briefs:

Josephine H. Rabago,
defendant-appellant pro se.

Donald Scaire
(Cades Schutte Fleming & Wright)
for plaintiff-appellee.

Acting Chief Judge

Associate Judge

Associate Judge